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TO RUEHC/SECSTATE WASHDC PRIORITY 8100
INFO RUEHBR/AMEMBASSY BRASILIA 9233
RUEHAC/AMEMBASSY ASUNCION 3356
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RUEHMN/AMEMBASSY MONTEVIDEO 2661
RUEHLP/AMEMBASSY LA PAZ 3766
RUEHCV/AMEMBASSY CARACAS 0713
RUEHSG/AMEMBASSY SANTIAGO 2357
RUEHRG/AMCONSUL RECIFE 4064
RUEHRI/AMCONSUL RIO DE JANEIRO 8666
RHEHNNSC/NSC WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RUEAWJC/DEPT OF JUSTICE WASHDC
RHMFIUU/HOMELAND SECURITY CENTER WASHDC
RUEABND/DEA HQS WASHDC
RHMFIISS/CDR USSOUTHCOM MIAMI FL

UNCLAS SECTION 01 OF 03 SAO PAULO 000171

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SOUTHCOM ALSO FOR POLAD
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TAGS: [PHUM](#) [SOCI](#) [ASEC](#) [KCRM](#) [BR](#)
SUBJECT: REFORMING SAO PAULO'S JUVENILE CORRECTION SYSTEM

REF: A) 07 Sao Paulo 873 B) Sao Paulo 87 and previous

SENSITIVE BUT UNCLASSIFIED - PLEASE PROTECT ACCORDINGLY

Summary-----

¶1. (SBU) Sao Paulo's juvenile correctional system continues to battle its image as a network of uncaring staff and unsanitary facilities that turns young petty thieves into hardened criminals. Observers agree that sustained growth and development depend on Brazil's investing in its youth, especially by improving education and healthcare as well as addressing juvenile crime. Sao Paulo State's Center for the Socio-Educational Care of the Adolescent (CASA) Foundation -- re-labeled in 2006 from its former acronym FEBEM as part of its image clean-up efforts -- claims to be taking serious steps to address criticism of its infrastructure and internal policies and seeking ways to turn young lawbreakers into contributing members of society. In an environment in which the state is having a difficult time dealing with public security challenges in general (Ref A), a solution to youth crime could be an important first step. Critics of CASA claim that no matter how you package the revamped system, it is still rife with human rights horror stories that contribute to rising crime. Even with increasing state budgets, critics see no real political will to help the poor, who comprise most of the youth penitentiary network's detainees. However, some human rights NGOs credit CASA with responding to public pressure by making a serious effort at reform and internal improvement, and the Governor has reportedly made budgetary commitments in support of such efforts. End Summary.

CASA Developments

¶2. (SBU) The CASA Foundation, created in 1979 under its previous name, FEBEM (the State Foundation for the Social Well-Being of the Minor), is a network of 31 units built to house lawbreakers -- mostly petty thieves but also rapists and murderers -- between the ages of 12 and 21. Each facility is designed to hold at most sixty

inmates, for a total of 5,460 state-wide. CASA, although separated from the adult correctional system, is criticized for the same types of abuses found in state prisons (Ref B). Families of the incarcerated say that interned adolescents are denied basic human rights and that the benefits of the state's economic growth, which should translate into more resources for critical social programs such as youth corrections, are being spent elsewhere, leaving the same problems in place. Media stories abound about poor conditions in CASA facilities and allegations of "torture" and "abuse" of the incarcerated. (Note: State Secretary for Justice Luiz Antonio Guimaraes Marrey recently reportedly had to issue an order stopping guards from using paintball bullets, sometimes even previously frozen by guards in order to increase pain, to "control" inmates. End Note.)

CASA Criticisms

¶3. (SBU) President Conceicao Paganele of the Association of Mothers and Friends of Children and Adolescents in Risk (AMAR), a support network of the families of the incarcerated, told Poloff that no matter how you label the juvenile incarceration system, whether you call it FEBEM or re-market it as CASA, the institution is still going to be the scene of nightmarish guard abuses until the state takes action to correct inherent problems. Paganele, who is the mother of a teenager in the system and under whose leadership AMAR won the National Prize for Human Rights in 2001, complained bitterly that incarcerated youth are not provided with clothes, live in disease- and drug-infested prison conditions, are offered no vocational or educational training opportunities, and are regularly beaten. Paganele told Poloff that she physically saw evidence of torture, including smashed faces and broken arms and legs, when she

SAO PAULO 00000171 002 OF 003

visited CASA facilities, as well as cells where the incarcerated are left locked up for days at a time. She said that it was for these reasons that incarcerated youth staged a number of rebellions in the late 1990's and will continue to lead revolts in the future.

Paganele alleges that the state has no interest in reforming the CASA system because almost all the incarcerated youth come from poor backgrounds. She stated that if the sons of politicians get in trouble, their parents pay off judges to ensure they will not serve time. Because the poor do not control Brazil's levers of power or have the money to buy off the courts, CASA will continue to remain a broken entity, she said, regardless of the country's improving economic situation.

A New Future for CASA?

¶4. (SBU) In part because of repeated criticism from the Inter-American Commission on Human Rights (IACHR) over reports of torture, deaths and rebellions, as well as complaints that offenders lose contact with their families, further ostracizing them from society and leading to future behavioral problems, FEBEM evolved into CASA in 2006. The CASA system is pledging to take these concerns to heart, including opening new and better-equipped facilities, beyond the 34 recently built, closer to the families of the youth. Additionally, because of previous overcrowding issues and lack of supervision due to large numbers of incarcerated youth, CASA is in the process of building smaller units throughout its network. CASA aims to construct 26 more facilities "as soon as possible" while simultaneously dismantling the old units.

¶5. (SBU) Berenice Giannella, president of CASA since 2005, claimed that a new philosophy of work is being implemented that has led to remarkable results. She said that accusations of torture and violence against adolescents have decreased significantly, citing a greater government budgetary commitment and CASA's dismantling of larger complexes and building of the smaller facilities that are also closer to the offenders' families. She added that riots are almost non-existent now, and that CASA has eliminated prolonged confinement. She credits these changes with leading to a recidivism rate that has dropped from 29 percent in 2006 to 18 percent today. Giannella admitted that the system still faces a range of challenges, citing as an example a February incident in which

inmates beat a 15-year-old boy to death in a CASA unit. The boy was killed by other adolescents during a fight, even though CASA is supposed to guarantee the young prisoners' security. Giannella attributes improvements partly to Sao Paulo State Governor Jose Serra's support. Serra has promised CASA that he would fund the construction of all new facilities in 2008. (Note: Previous governors have also made this promise but did not necessarily follow through on their pledges. End Note.) CASA is also focused on training its staff, particularly security guards.

¶6. (SBU) Marcos Fuchs, Director of the NGO Pro Bono Institute, gave Giannella credit for trying to clean up a difficult situation. Giannella has made efforts to improve the system, including emphatically opposing any violence or harsh punishment directed at the incarcerated youth, he said. Eloisa Machado, coordinator of the NGO Conectas, agreed, stating that the number of cases of abuse she has seen is decreasing as CASA continues to focus on internal improvement. She credited a convergence of complaints from the public and media, NGOs and the judiciary as leading to a build-up in pressure for change.

Comment

¶7. (SBU) Many human rights contacts tell us that the country's economic growth is not necessarily leading to greater promotion of social justice. The problems that persist within the CASA system are an illustration of this critique. It is vital for youth

SAO PAULO 00000171 003 OF 003

penitentiary authorities to take advantage of the Governor's apparent commitment and larger state budgets to address human rights concerns and public security challenges in CASA. Tangible improvements in the juvenile corrections system would demonstrate the state's commitment to share the benefits of growth with some of its most marginalized citizens. Programs such as those run by INL's Office of Anticrime Programs aimed at reducing drugs and violence, already piloted in one CASA facility, could be helpful in this effort. CASA has asked INL to implement another such program, perhaps in a female juvenile unit this time. These initiatives can go a long way towards promoting social justice and ensuring that Brazil's increasing economic opportunities are reaching beyond the upper and middle classes. End Comment.

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